

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILFREDO TORRES,

Plaintiff,

-against-

CITY OF NEW YORK; NEIL VERAS; PATRICIA DE
JESUS, Shield No. 1305; DIOASKY PENA, Shield
No. 10240; DANIEL PEARLES, Shield No. 15167;
MATEUSZ HADER, Shield No. 914; NEW YORK
CITY HEALTH AND HOSPITALS; ARKAPRAVA
DEB, M.D.; and STEVEN LASLEY, M.D.,

Defendants.

ORDER

19 Civ. 6332 (ER)

RAMOS, D.J.

Wilfredo Torres, *pro se*, brought this action against the City of New York (the “City”), New York City Health and Hospitals (“NYCHH”), and several John Does employed by the City and NYCHH for violation of his constitutional rights during a raid of his apartment and subsequent hospitalization at Bellevue Hospital. Doc. 2. On February 7, 2020, the Court ordered counsel for the City and NYCHH to identify the unnamed defendants pursuant to *Valentin v. Dinkins*, 121 F.3d 72 (2d Cir. 1997). On September 4, 2020, after having been granted extensions of time to respond, the City and NYCHH responded to the Court’s *Valentin* order, and NYCHH identified the defendant doctor as Dr. Arkaprava Deb. Docs. 72, 73. On September 10, 2020, NYCHH provided a supplemental response, confirming that Dr. Deb’s address for service was Bellevue Hospital, 462 First Avenue, New York, New York, 10016. Doc. 76.

On October 9, 2020, Torres filed a second amended complaint adding an additional

defendant doctor who he named Dr. Steven Lasley. Doc. 81. On January 15, 2021, Dr. Lasley's summons was returned unexecuted because Bellevue Hospital "ha[d] no record of" him. Doc. 113.

On January 25, 2021, Torres requested that the Court issue an order of service. Doc. 114. On January 28, 2021, the Court granted Torres' request as to Drs. Deb and Lasley, noting that as of that date, neither had been served. Doc. 120. On February 2, 2021 the Court, noting that Dr. Lasley's summons had been returned unexecuted and therefore its January 28 order could not be fulfilled, stayed that order and issued a second *Valentin* order directing NYCHH to identify the second doctor who had examined Torres at Bellevue Hospital and who Torres had attempted to identify as Dr. Lasley. Doc. 124.

On February 17, 2021, Dr. Deb's summons was returned unexecuted because the process server was first informed that "employee was at Jacobi Hospital," and then was told at Jacobi Hospital that "employee has not been employed since April 2019." Doc. 125.

On February 26, 2021, NYCHH identified the second defendant doctor as Dr. Steven Issley. Doc. 126. NYCHH confirmed the first defendant doctor to be Dr. Arkaprava Deb and the address for service for both doctors to be Bellevue Hospital, 462 First Avenue, New York, New York 10016. *Id.* NYCHH served its response to the Court's February 2 *Valentin* Order on Torres. Doc. 127.

On October 27, 2021, the Court issued a further order in part directing service upon Drs. Deb and Issley and in part ordering the defendants who had been served to answer. Doc. 144. The order listed as the address for service upon Drs. Deb and Issley the Bellevue Hospital address that NYCHH had confirmed to the Court was the correct address for service. *See id.* On October 28, 2021, upon NYCHH's letter-motion, the Court extended NYCHH's deadline to

answer the complaint to four weeks after the date of service on Dr. Deb and Issley. Doc. 147.

On February 8, 2022, returns of service as to both doctors were once again returned unexecuted. Docs. 152, 153. The returns of service show that the U.S. Marshals attempted to serve Dr. Deb in person at Bellevue Hospital, 462 First Avenue New York, New York 10016, but “Defendant does not work at hospital,” and also mailed the summons on October 28, 2021, to no response. Doc. 152. Likewise, the U.S. Marshals attempted to serve Dr. Issley in person at Bellevue Hospital, 462 First Avenue, New York, New York 10016, and also mailed the summons on October 28, 2021, to no response. Doc. 153.

Service upon Drs. Deb and Issley has now been attempted twice without success, most recently at the address for service that NYCHH had provided. NYCHH is therefore **ordered** to provide a status report by February 18, 2022, explaining how Drs. Deb and Issley may be served or accepting service on their behalf.

The Clerk of Court is respectfully requested to mail a copy of this order to Wilfredo Torres, 470 Second Avenue, Apt. 2A, New York, New York 10016.

It is SO ORDERED.

Dated: February 15, 2022
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

Edgardo Ramos, U.S.D.J.